

SENATE BILL No. 198

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-1.5-2-3; IC 25-17.6.

Synopsis: Geologists. Creates a license for a geologist in training. Changes the definitions of "geology" and "geologist" in the geologist licensing statute. Allows geologists to form professional corporations.

Effective: July 1, 2004.

Server

January 8, 2004, read first time and referred to Committee on Education and Career Development.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 198

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-1.5-2-3, AS AMENDED BY P.L.128-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 3. (a) Except as provided in subsections (c) and
4 (d) and IC 25-2.1-5, a professional corporation may be formed to
5 render professional services as follows:

6 (1) One (1) or more accounting professionals may form a
7 professional corporation to render services that may legally be
8 performed only by an accounting professional.

9 (2) One (1) or more architectural or engineering professionals
10 may form a professional corporation to render services that may
11 legally be performed only by an architectural or engineering
12 professional.

13 (3) One (1) or more attorneys may form a professional corporation
14 to render services that may legally be performed only by an
15 attorney.

16 (4) One (1) or more health care professionals may form a
17 professional corporation to render services that may legally be



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performed only by a health care professional.

(5) One (1) or more veterinarians may form a professional corporation to render services that may legally be performed only by a veterinarian.

(6) One (1) or more real estate professionals may form a professional corporation to render services that may legally be performed only by a real estate professional.

(7) One (1) or more geological professionals may form a professional corporation to render services that may legally be performed only by a geological professional.

(b) A foreign professional corporation may be admitted to render professional services in Indiana by complying with IC 23-1.5-5.

(c) A domestic professional corporation or a foreign professional corporation admitted to render professional services in Indiana:

(1) shall have at least one (1) shareholder who is licensed in Indiana; and

(2) may have at least one (1) shareholder who is licensed under the laws of another state to render similar professional services.

(d) In addition to the professional services permitted by its articles of incorporation, a professional corporation may invest its funds in any type of investment not prohibited by law.

SECTION 2. IC 25-17.6-1-2, AS AMENDED BY P.L.17-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. "Board" refers to the Indiana board of licensure for professional geologists **and geologists in training** established in IC 25-17.6-2.

SECTION 3. IC 25-17.6-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. "Geologist" means a person who is qualified by the person's knowledge of the principles of geology acquired by:

(1) professional education **culminating in a baccalaureate or an advanced degree in the geosciences from an accredited college or university;** and

(2) practical experience **in the geological sciences.**

SECTION 4. IC 25-17.6-1-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5.1. "Geologist in training" means a person who holds a degree in the geological sciences from an accredited college or university and who has either:

(1) **successfully passed the part of the examination required by the board covering fundamental geological subjects; or**

(2) **met the experience requirements of the board and intends**

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1 **to take the examination.**

2 SECTION 5. IC 25-17.6-1-6 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. "Geology" means a
4 science that has the following characteristics:

5 (1) Treats the earth as a whole.

6 (2) Includes the:

7 (A) investigation;

8 (B) analysis;

9 (C) classification; and

10 (D) location;

11 of the rocks and other materials that compose the ~~earth's crust;~~
12 **earth**, as they relate to geologic processes.

13 (3) Involves the study of:

14 (A) **rocks, unconsolidated units**, minerals, gases, ~~and~~ liquids,
15 **and other earth materials** composing and contained **on and**
16 within the ~~earth's crust; and earth;~~

17 (B) geologic materials and processes; **and**

18 **(C) natural geologic processes affected by human activities.**

19 SECTION 6. IC 25-17.6-1-7 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) "Public practice
21 of geology" means the performance of **and acceptance of**
22 **responsibility for any public or creative work or** service to **or for**
23 the public in connection with the geological **or geotechnical**
24 description, location, ~~or~~ evaluation, **or interpretation** of:

25 (1) geological **and earth** materials, liquids, and gases; and

26 (2) the natural **and human** processes **and hazards** acting upon
27 them.

28 (b) The term includes geological:

29 (1) consulting;

30 (2) investigating;

31 (3) evaluating;

32 (4) **interpreting;**

33 (5) designing and modeling;

34 ~~(5)~~ (6) planning **related to earth and aqueous materials;**

35 (7) **classifying and analyzing;**

36 (8) **sampling;**

37 (9) **remediating, restoring, and mitigating;**

38 (10) **extracting, including utilities and public works related to**
39 **extracting;**

40 (11) **surveying, excluding legal, boundary, and associated**
41 **surveying, and mapping; and**

42 (12) **researching.**

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(c) The term includes the inspection of geological, geotechnical, or public works in which the inspection is related to:

- (1) public welfare; or
- (2) safeguarding:
 - (A) life;
 - (B) health;
 - (C) property;
 - (D) natural resources; or
 - (E) the environment.

(d) The term includes predicting, interpreting, and addressing geological and geotechnical factors affecting facilities and structures, including:

- (1) dams;
- (2) levees;
- (3) impoundments;
- (4) public water wells; and
- (5) waste disposal sites.

SECTION 7. IC 25-17.6-2-1, AS AMENDED BY P.L.17-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The Indiana board of licensure for professional geologists **and geologists in training** is established.

(b) The board shall administer this article.

SECTION 8. IC 25-17.6-3-1, AS AMENDED BY P.L.17-1999, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The board shall meet:

- (1) at least one (1) time each calendar year; and
- (2) at other times considered necessary by:
 - (A) the chairman; or
 - (B) a quorum of the board;

upon being given at least ten (10) days notice.

(b) Each year the board shall:

- (1) determine the cost incurred by the survey in administering the program for the licensure of professional geologists under this article; and
- (2) if necessary, adjust the amount of the:
 - (A) licensure fee charged under IC 25-17.6-4-7; and
 - (B) renewal fee charged under IC 25-17.6-5-2;

to ensure that the program is self-supporting.

(c) Each year the board shall:

- (1) determine the cost of licensure for geologists in training; and
- (2) charge the appropriate licensure fee and renewal fee;

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1 **to ensure that the program is self-supporting.**

2 SECTION 9. IC 25-17.6-3-3, AS AMENDED BY P.L.17-1999,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2004]: Sec. 3. (a) The board may by rule adopt or amend a
5 code of professional conduct for licensed professional geologists **and**
6 **geologists in training.**

7 (b) If the board adopts or amends a code of professional conduct
8 under subsection (a), the board shall mail a copy of the code and any
9 amendments to the code to all persons listed on the roster described in
10 section 10 of this chapter.

11 (c) A mailing under this section constitutes service for the purposes
12 of this article.

13 SECTION 10. IC 25-17.6-3-4, AS AMENDED BY P.L.17-1999,
14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2004]: Sec. 4. The board may investigate:

16 (1) a suspected violation by a licensed professional geologist **or**
17 **geologist in training** of:

18 (A) the code of conduct adopted under section 3 of this
19 chapter; or

20 (B) other rules of the board concerning professional
21 competency and integrity of licensed professional geologists
22 **or geologists in training; or**

23 (2) other grounds for action against a licensed professional
24 geologist **or geologist in training** under IC 25-17.6-8.

25 SECTION 11. IC 25-17.6-3-5, AS AMENDED BY P.L.17-1999,
26 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2004]: Sec. 5. (a) The board may file a proposed complaint to
28 condition, suspend, or revoke the license of a licensed professional
29 geologist **or geologist in training.**

30 (b) The recipient of a proposed complaint may either:

31 (1) agree to the terms of the proposed complaint; or

32 (2) request, within twenty (20) days of receiving the proposed
33 complaint, an informal review of the proposed complaint before
34 the board.

35 (c) Failure by a licensed professional geologist **or geologist in**
36 **training** to request an informal review constitutes an agreement to the
37 terms of the proposed complaint.

38 SECTION 12. IC 25-17.6-3-6, AS AMENDED BY P.L.17-1999,
39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2004]: Sec. 6. (a) Any person or organization may present
41 charges of fraud, deceit, gross negligence, or misconduct against a
42 licensed professional geologist **or geologist in training.**

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(b) A charge under subsection (a) shall be:

- (1) in writing;
- (2) sworn to by the person or the officer of the organization making the charges; and
- (3) filed with the board.

SECTION 13. IC 25-17.6-3-7, AS AMENDED BY P.L.17-1999, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) The board shall consider:

- (1) a request for review under section 5 **of this chapter**; or
- (2) charges under section 6 of this chapter; during a meeting.

(b) The board may compel a licensed professional geologist **or geologist in training** to respond to any matters about a proposed complaint or charges.

(c) The board may by rule establish procedures for the conduct of its review under this section, including the subpoena of witnesses and documents.

(d) A review under this section shall be conducted in an informal manner. However, the board shall keep a record of the proceeding.

(e) As soon as possible following the meeting, the board shall render a determination and either:

- (1) terminate its review; or
- (2) issue a determination under IC 4-21.5-3-6 to condition, suspend, or revoke the license of the licensed professional geologist **or geologist in training**.

SECTION 14. IC 25-17.6-3-8, AS AMENDED BY P.L.17-1999, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. A licensed professional geologist **or geologist in training** who receives a determination under section 7 of this chapter shall either:

- (1) comply with its terms; or
- (2) request administrative review under IC 25-17.6-9.

SECTION 15. IC 25-17.6-3-10, AS AMENDED BY P.L.17-1999, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) The survey shall publish each year a roster showing the names and places of business of all licensed professional geologists **and geologists in training**.

(b) Copies of the roster described in subsection (a) shall be:

- (1) made available to each person licensed;
- (2) placed on file at the survey; and
- (3) furnished to the public upon request.

SECTION 16. IC 25-17.6-4.5 IS ADDED TO THE INDIANA

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CODE AS A NEW CHAPTER TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2004]:

Chapter 4.5. Requirements for Licensure of Geologists in Training

Sec. 1. To qualify for licensure as a geologist in training, an applicant must meet at least two (2) of the following requirements:

(1) The applicant has successfully completed at least thirty (30) semester hours or forty-five (45) quarter hours of course work in geology, culminating in a baccalaureate or an advanced degree in geology, geophysics, geochemistry, geological engineering, or geotechnical engineering from an accredited college or university. The board may consider courses dealing with applied geological science that are given under the auspices of an academic department other than geology toward the fulfillment of this requirement.

(2) The applicant has a passing score on the part of an examination required by the board that has been designed to demonstrate that the applicant has the necessary knowledge of fundamental geological subjects.

(3) The applicant has the professional experience required by the board to become licensed.

SECTION 17. IC 25-17.6-5-1, AS AMENDED BY P.L.17-1999, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. A license issued under IC 25-17.6-4 **or IC 25-17.6-4.5** expires three (3) years after it is issued, at a time and date designated by the board.

SECTION 18. IC 25-17.6-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

Chapter 6.5. Use of Title by Geologist in Training

Sec. 1. A person who is licensed as a geologist in training may use "G.I.T.", "GIT", or "Geologist in Training" as a title after the person's name, if these designations are not used in conjunction with the person's file number or preceded by the word "licensed" or any other word that might lead someone to believe that the person is licensed as a professional geologist.

SECTION 19. IC 25-17.6-8-1, AS AMENDED BY P.L.17-1999, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. The board may suspend, refuse to renew the license of, revoke the license of, reprimand, or place on probation a licensed professional geologist **or geologist in training** when the licensed professional geologist **or geologist in training** is found

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responsible by the board for any of the following:

- (1) Fraud or deceit in obtaining licensure.
- (2) Gross negligence, incompetence, or misconduct in the practice of geology.
- (3) Conviction by a court of law of a felony or a crime involving moral turpitude.
- (4) Violation of a code of ethics adopted by the board.
- (5) The commission of an unlawful act set forth in section 2 of this chapter.

SECTION 20. IC 25-17.6-8-2, AS AMENDED BY P.L.17-1999, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. A person who does any of the following commits a Class B misdemeanor:

- (1) Falsely representing oneself as a licensed professional geologist in violation of IC 25-17.6-7-3.
- (2) Presenting or attempting to use as the person's own a license or seal of another.
- (3) Giving false or forged evidence to the board or to a member of the board in order to obtain a license.
- (4) Falsely impersonating another geologist.
- (5) Using or attempting to use an expired or a revoked license to practice geology at any time during a period the board has suspended or revoked the license.
- (6) Publicly practicing geology in Indiana or offering to publicly practice geology in Indiana without being licensed under this article in violation of IC 25-17.6-7-3.
- (7) Falsely representing oneself as a licensed geologist in training.**

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